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AUG 19 2004

OFFICE OF PETITIONS

In re Application of	:	
Woltman et al.	:	
Application No. 10/727,892	:	DECISION REFUSING STATUS
Filed: December 4, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. KCX-703(19021)	:	

This is in response to the petition under 37 CFR 1.47(a), filed April 16, 2004.

The petition is dismissed.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Applicants filed the above-identified application on December 4, 2003, without an executed oath or declaration. On April 16, 2004, applicants filed the present petition, a declaration signed by two of the three joint inventors and paid the necessary fees.

In the Statement of Facts, Steven R. LeBlanc states that Kimberly-Clark personnel have had several unsuccessful conversations with the nonsigning inventor, Barbara O. Sauer, in an attempt to obtain her signature on the declaration and assignment. Furthermore, Mr. LeBlanc states that Ms. Sauer was mailed a copy of the application and corresponding papers to her present address; however, she refused delivery of the package.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to

sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicants lack items (2) and (4) as set forth above.

As to item (2), the declaration does not identify Ms. Sauer's mailing address or residence. The Office notes that the declaration must identify "[t]he mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor. . . ." 37 CFR 1.63(c)(1). Applicant must submit a declaration in compliance with 37 CFR 1.63 and 1.67, which identifies the entire inventive entity and the correct mailing address and residence of Ms. Sauer and is signed by the signing inventors on behalf of the nonsigning inventor, Ms. Sauer.

As to item (4), applicants failed to set forth the last known address of the non-signing inventor in the present petition.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Christina Tartera Donnell, Senior Petitions Attorney:**

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
 220 20th Street S.
 Customer Window, Mail Stop Petition
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions